

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-01749-RDM

HALL & ASSOCIATES v. U.S. ENVIRONMENTAL
PROTECTION AGENCY

Assigned to: Judge Randolph D. Moss

Case: 1:19-cv-00330-RDM

Cause: 05:552 Freedom of Information Act

Plaintiff

HALL & ASSOCIATES

Date Filed: 07/26/2018

Jury Demand: None

Nature of Suit: 895 Freedom of
Information Act

Jurisdiction: U.S. Government Defendant

represented by **John C. Hall**
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ATTORNEY TO BE NOTICED

V.

Defendant

**U.S. ENVIRONMENTAL
PROTECTION AGENCY**

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Date Filed	#	Docket Text
07/26/2018	<u>1</u>	COMPLAINT against ENVIRONMENTAL PROTECTION AGENCY (Filing fee \$ 400 receipt number 0090-5606534) filed by HALL & ASSOCIATES. (Attachments: # <u>1</u> Exhibit Exs. 1-6, # <u>2</u> Civil Cover Sheet, # <u>3</u> Summons AG, USAO, EPA HQ summons)(Hall, John) (Entered: 07/26/2018)
07/27/2018		Case Assigned to Judge Randolph D. Moss. (zsb) (Entered: 07/27/2018)
07/30/2018	<u>2</u>	STANDING ORDER: The parties are hereby ORDERED to comply with the directives set forth in the Court's Standing Order. See document for details. Signed by Judge Randolph D. Moss on 7/30/18. (lcrdm3,) (Entered: 07/30/2018)

07/30/2018	<u>3</u>	SUMMONS (3) Issued Electronically as to U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(zsb) (Entered: 07/31/2018)
08/03/2018	<u>4</u>	AMENDED COMPLAINT against U.S. ENVIRONMENTAL PROTECTION AGENCY filed by HALL & ASSOCIATES. (Attachments: # <u>1</u> Redline Amended Complaint, # <u>2</u> Exhibit Exs. 1–6, # <u>3</u> Certificate of Service)(Hall, John) (Entered: 08/03/2018)
08/15/2018	<u>5</u>	NOTICE of Appearance by Scott Leeson Sroka on behalf of U.S. ENVIRONMENTAL PROTECTION AGENCY (Sroka, Scott) (Entered: 08/15/2018)
09/05/2018	<u>6</u>	ANSWER to Complaint by U.S. ENVIRONMENTAL PROTECTION AGENCY.(Sroka, Scott) (Entered: 09/05/2018)
09/06/2018	<u>7</u>	Consent MOTION for Extension of Time to File Answer re <u>4</u> Amended Complaint by U.S. ENVIRONMENTAL PROTECTION AGENCY (Sroka, Scott) (Entered: 09/06/2018)
09/09/2018		MINUTE ORDER: The parties are hereby ORDERED to appear for an Initial Scheduling Conference on October 10, 2018, at 10:30 a.m. in Courtroom 21. It is further ORDERED that the parties shall confer in advance of the Initial Scheduling Conference on (1) whether any records can be released, and (2) the proper next steps in this litigation. Signed by Judge Randolph D. Moss on 9/9/2018. (lcrdm3,) (Entered: 09/09/2018)
09/10/2018		Set/Reset Hearings: Initial Scheduling Conference set for 10/10/2018, at 10:30 AM, in Courtroom 21, before Judge Randolph D. Moss. (kt) (Entered: 09/10/2018)
09/10/2018		MINUTE ORDER: Upon consideration of Defendant's consent motion for extension of time <u>7</u> it is hereby ORDERED that the motion is GRANTED. Defendant shall respond to Plaintiff's amended complaint on or before September 12, 2018. Signed by Judge Randolph D. Moss on 9/10/2018. (lcrdm3,) (Entered: 09/10/2018)
09/10/2018		Set/Reset Deadlines: Defendant shall respond to Plaintiff's amended complaint on or before 9/12/2018. (kt) (Entered: 09/10/2018)
09/12/2018	<u>8</u>	ANSWER to <u>4</u> Amended Complaint by U.S. ENVIRONMENTAL PROTECTION AGENCY.(Sroka, Scott) (Entered: 09/12/2018)
10/03/2018	<u>9</u>	MOTION to Strike <u>8</u> Answer to Amended Complaint by HALL & ASSOCIATES (Attachments: # <u>1</u> Exhibit A–D)(Hall, John) (Entered: 10/03/2018)
10/10/2018		Minute Entry for proceedings held before Judge Randolph D. Moss: Initial Scheduling Conference held on 10/10/2018. The Government shall provide any non–exempt records to Plaintiff, on or before 10/31/2018. A Status Conference is set for 11/30/2018, at 2:00 PM, in Courtroom 21, before Judge Randolph D. Moss. Plaintiff's <u>9</u> Motion to Strike Answer to Amended Complaint is DENIED, without prejudice, for the reasons stated on the record. (Court Reporter: Jeff Hook.) (kt) (Entered: 10/10/2018)
11/23/2018	<u>10</u>	ENTERED IN ERROR. . . . MOTION to Amend/Correct <u>6</u> Answer to Complaint by U.S. ENVIRONMENTAL PROTECTION AGENCY (Attachments: # <u>1</u> Exhibit A – Plaintiff's 11/1/18 Letter, # <u>2</u> Exhibit B – EPA's 10/31/18 Response Letter, # <u>3</u> Exhibit C – Plaintiff's Proposed Rule 11 Motion, # <u>4</u> Exhibit D – EPA's Proposed Amended Answer, # <u>5</u> Exhibit E – EPA's 11/23/18 Supplemental Response Letter)(Sroka, Scott). Added MOTION on 11/26/2018 (ztd). Modified on 11/26/2018 (ztd). (Entered: 11/23/2018)
11/23/2018	<u>11</u>	MOTION to Strike <u>4</u> Amended Complaint <i>to the Extent It Includes Immaterial and Impertinent Allegations</i> by U.S. ENVIRONMENTAL PROTECTION AGENCY (Attachments: # <u>1</u> Exhibit A – Plaintiff's 11/1/18 Letter, # <u>2</u> Exhibit B – EPA's 10/31/18 Response Letter, # <u>3</u> Exhibit C – Plaintiff's Proposed Motion, # <u>4</u> Exhibit D – EPA's Proposed Amended Answer, # <u>5</u> Exhibit E – EPA's 11/23/18 Supplemental Response Letter)(Sroka, Scott) (Entered: 11/23/2018)
11/23/2018	<u>12</u>	MOTION to Amend/Correct <u>8</u> Answer to Amended Complaint by U.S. ENVIRONMENTAL PROTECTION AGENCY (Attachments: # <u>1</u> Exhibit A – Plaintiff's 11/1/18 Letter, # <u>2</u> Exhibit B – EPA's 10/31/18 Response Letter, # <u>3</u> Exhibit

		C – Plaintiff's Proposed Motion, # <u>4</u> Exhibit D – EPA's Proposed Amended Answer, # <u>5</u> Exhibit E – EPA's 11/23/18 Supplemental Response Letter)(Sroka, Scott) (Entered: 11/23/2018)
11/26/2018		NOTICE OF CORRECTED DOCKET ENTRY: re <u>10</u> MOTION to Amend/Correct <u>6</u> Answer to Complaint was entered in error per counsel and said pleading was refiled. (see entries <u>11</u> and <u>12</u>) (ztd) (Entered: 11/26/2018)
11/27/2018	<u>13</u>	NOTICE OF SUPPLEMENTAL AUTHORITY by HALL & ASSOCIATES (Attachments: # <u>1</u> Exhibit 1)(Hall, John) (Entered: 11/27/2018)
11/29/2018	<u>14</u>	NOTICE of Supplemental Filing by U.S. ENVIRONMENTAL PROTECTION AGENCY re <u>11</u> MOTION to Strike <u>4</u> Amended Complaint to the Extent It Includes Immaterial and Impertinent Allegations, <u>12</u> MOTION to Amend/Correct <u>8</u> Answer to Amended Complaint (Attachments: # <u>1</u> Exhibit Redlined Proposed Amended Answer)(Sroka, Scott) (Entered: 11/29/2018)
11/30/2018		Minute Entry for proceedings held before Judge Randolph D. Moss: Status Conference held on 11/30/2018. The <u>11</u> Motion to Strike Amended Complaint, and the <u>12</u> Motion to Amend/Correct Answer to Amended Complaint, are DENIED AS MOOT. Plaintiff is granted leave to file a Second Amended Complaint by 12/10/2018; Defendant shall respond in due course. A Status Conference is set for 1/9/2019, at 10:00 AM, in Courtroom 21, before Judge Randolph D. Moss. (Court Reporter: Jeff Hook.) (kt) (Entered: 11/30/2018)
12/03/2018	<u>15</u>	NOTICE of Decision to Not Submit Second Amended Complaint by HALL & ASSOCIATES (Attachments: # <u>1</u> Exhibit)(Hall, John) (Entered: 12/03/2018)
12/14/2018	<u>16</u>	<p>TRANSCRIPT OF STATUS CONFERENCE HEARING before Judge Randolph D. Moss held on November 30, 2018. Page Numbers: 1 – 38. Date of Issuance: December 14, 2018. Court Reporter: Jeff Hook. Telephone number: 202-354-3373. Transcripts may be ordered by submitting the <u>Transcript Order Form</u></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.</p> <p>Redaction Request due 1/4/2019. Redacted Transcript Deadline set for 1/14/2019. Release of Transcript Restriction set for 3/14/2019.(Hook, Jeff) (Entered: 12/14/2018)</p>
12/18/2018	<u>17</u>	RESPONSE re <u>15</u> Notice (Other) filed by U.S. ENVIRONMENTAL PROTECTION AGENCY. (Sroka, Scott) (Entered: 12/18/2018)
01/04/2019	<u>18</u>	MOTION to Deem Certain Complaint Allegations Admitted by HALL & ASSOCIATES (Attachments: # <u>1</u> Exhibit)(Hall, John) (Entered: 01/04/2019)
01/04/2019	<u>19</u>	MOTION for Sanctions by HALL & ASSOCIATES (Attachments: # <u>1</u> Exhibit)(Hall, John) (Entered: 01/04/2019)
01/04/2019	<u>20</u>	Unopposed MOTION to Stay , MOTION for Extension of Time to <i>in Light of Lapse of Appropriations</i> by U.S. ENVIRONMENTAL PROTECTION AGENCY (Attachments: # <u>1</u> Text of Proposed Order)(Hudak, Brian) (Entered: 01/04/2019)
01/07/2019		MINUTE ORDER: Upon consideration of Defendant's unopposed motion to stay <u>20</u> , it is hereby ORDERED that the motion is GRANTED. The case shall be STAYED until further order of the Court, and the status conference scheduled for January 9, 2019 at 10:00 a.m. is hereby VACATED. It is further ORDERED that Defendant shall inform the Court when Congress has appropriated funding for the EPA and the Department of Justice to resume work and shall file a status report within seven (7)

		calendar days after Congress has appropriated funds with new proposed deadlines in this matter. Signed by Judge Randolph D. Moss on 1/7/2019. (lcrdm3,) (Entered: 01/07/2019)
01/31/2019		MINUTE ORDER: In light of the restoration of funding, this case is hereby UNSTAYED. It is further ORDERED that Defendant shall file a joint status report on or before February 4, 2019. Signed by Judge Randolph D. Moss on 1/31/2019. (lcrdm3,) (Entered: 01/31/2019)
02/01/2019		Set/Reset Deadlines: Joint Status Report due by 2/4/2019. (kt) (Entered: 02/01/2019)
02/04/2019	<u>21</u>	STATUS REPORT by U.S. ENVIRONMENTAL PROTECTION AGENCY. (Sroka, Scott) (Entered: 02/04/2019)
02/04/2019	<u>22</u>	STATUS REPORT by HALL & ASSOCIATES. (Hall, John) (Entered: 02/04/2019)
02/04/2019		MINUTE ORDER: Upon consideration of the parties' status reports, Dkt. <u>21</u> ; Dkt. <u>22</u> , it is hereby ORDERED that the EPA shall respond to Plaintiff's motions, Dkt. <u>18</u> ; Dkt. <u>19</u> , on or before February 19, 2019. It is further ORDERED that Plaintiff shall reply on or before February 26, 2019. The parties are further ORDERED to meet and confer and to jointly propose a summary judgment briefing schedule to the Court on or before February 26, 2019. Signed by Judge Randolph D. Moss on 2/4/2019. (lcrdm3,) (Entered: 02/04/2019)
02/04/2019		Set/Reset Deadlines: Responses to <u>18</u> and <u>19</u> due by 2/19/2019. Replies to <u>18</u> and <u>19</u> due by 2/26/2019. Jointly propose a summary judgment briefing schedule by 2/26/2019. (dot) (Entered: 02/05/2019)
02/19/2019	<u>23</u>	Memorandum in opposition to re <u>18</u> MOTION to Deem Certain Complaint Allegations Admitted , <u>19</u> MOTION for Sanctions filed by U.S. ENVIRONMENTAL PROTECTION AGENCY. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Sroka, Scott) (Entered: 02/19/2019)
02/26/2019	<u>24</u>	REPLY to opposition to motion re <u>18</u> MOTION to Deem Certain Complaint Allegations Admitted , <u>19</u> MOTION for Sanctions filed by HALL & ASSOCIATES. (Attachments: # <u>1</u> Exhibit)(Hall, John) (Entered: 02/26/2019)
02/26/2019	<u>25</u>	NOTICE OF RELATED CASE by HALL & ASSOCIATES. Case related to Case No. 19-0330. (Hall, John) (Entered: 02/26/2019)
02/26/2019	<u>26</u>	MOTION to Consolidate Cases by HALL & ASSOCIATES (Hall, John) (Entered: 02/26/2019)
02/26/2019	<u>27</u>	PROPOSED BRIEFING SCHEDULE by HALL & ASSOCIATES. (Hall, John) (Entered: 02/26/2019)
02/26/2019	<u>28</u>	RESPONSE TO ORDER OF THE COURT re Order,, filed by U.S. ENVIRONMENTAL PROTECTION AGENCY. (Sroka, Scott) (Entered: 02/26/2019)
03/06/2019	<u>29</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>26</u> MOTION to Consolidate Cases by U.S. ENVIRONMENTAL PROTECTION AGENCY (Sroka, Scott) (Entered: 03/06/2019)
03/08/2019		MINUTE ORDER: Upon consideration of Plaintiff's consent motion for extension of time <u>29</u> , it is hereby ORDERED that the motion is GRANTED. Plaintiff shall file its reply in support of its motion to consolidate on or before March 19, 2019. Signed by Judge Randolph D. Moss on 3/8/2019. (lcrdm3,) (Entered: 03/08/2019)
03/08/2019		Set/Reset Deadlines: Plaintiff shall file its reply in support of its motion to consolidate on or before 3/19/2019. (kt) (Entered: 03/08/2019)
03/19/2019	<u>30</u>	Memorandum in opposition to re <u>26</u> MOTION to Consolidate Cases filed by U.S. ENVIRONMENTAL PROTECTION AGENCY. (Sroka, Scott) (Entered: 03/19/2019)
03/26/2019	<u>31</u>	REPLY to opposition to motion re <u>26</u> MOTION to Consolidate Cases filed by HALL & ASSOCIATES. (Hall, John) (Entered: 03/26/2019)
04/18/2019		MINUTE ORDER: In light of the pending motion to deem certain complaint allegations admitted <u>18</u> and motion to consolidate cases <u>26</u> , it is hereby ORDERED

		that the parties shall appear for a motions hearing on Monday April 22, 2019 at 2:45 p.m., in Courtroom 21. Signed by Judge Randolph D. Moss on 4/18/2019. (lcrdm3,) (Entered: 04/18/2019)
04/18/2019		Set/Reset Hearings: Motion Hearing set for 4/22/2019, at 2:45 PM, in Courtroom 21, before Judge Randolph D. Moss. (kt) (Entered: 04/18/2019)
04/19/2019	<u>32</u>	MOTION to reschedule motions hearing by HALL & ASSOCIATES (Hall, John) Modified event on 4/22/2019 (znmw). (Entered: 04/19/2019)
04/19/2019		MINUTE ORDER: Upon consideration of Plaintiff's motion to reschedule <u>32</u> , it is hereby ORDERED that the motion is GRANTED. The hearing currently set for April 22, 2019, is hereby VACATED and RESCHEDULED for April 25, 2019 at 2:00 p.m., in Courtroom 21. Signed by Judge Randolph D. Moss on 4/19/2019. (lcrdm3,) (Entered: 04/19/2019)
04/19/2019		Set/Reset Hearings: The Motion Hearing set for 4/22/2019 is VACATED and RESCHEDULED 4/25/2019, at 2:00 PM, in Courtroom 21, before Judge Randolph D. Moss. (kt) (Entered: 04/19/2019)
04/25/2019		Minute Entry for proceedings held before Judge Randolph D. Moss: Motion Hearing held on 4/25/2019. For the reasons stated on the record, the <u>18</u> MOTION to Deem Certain Complaint Allegations, the <u>19</u> MOTION for Sanctions, and the <u>26</u> MOTION to Consolidate Cases, are all DENIED. Defendant's Amended Answer due by 5/2/2019. Summary Judgment motion due by 5/25/2019. Response to Motion for Summary Judgment and Cross Motion due by 6/25/2019. Reply to Motion for Summary Judgment and Response to Cross Motion due by 7/16/2019. Reply to Cross Motion due by 8/6/2019. (Court Reporter: Jeff Hook) (kh) (Entered: 04/25/2019)
05/02/2019	<u>33</u>	ENTERED IN ERROR. . . .ANSWER to <u>4</u> , <i>Second Amended Answer to First Amended Complaint and Defenses</i> by U.S. ENVIRONMENTAL PROTECTION AGENCY. (Attachments: # <u>1</u> Exhibit Red Line Version)(Johnson, Wyneva) Modified to add linkage on 5/6/2019 (ztd). Modified on 5/7/2019 (ztd). (Entered: 05/02/2019)
05/02/2019	<u>34</u>	ANSWER to <u>4</u> , <i>Second Amended Answer to First Amended Complaint and Defenses</i> by U.S. ENVIRONMENTAL PROTECTION AGENCY. (Attachments: # <u>1</u> Exhibit Red Line Version)(Sroka, Scott) Modified to add linkage on 5/6/2019 (ztd). (Entered: 05/02/2019)
05/02/2019		NOTICE OF CORRECTED DOCKET ENTRY: re <u>33</u> Answer to Complaint, was entered in error and counsel refiled said pleading as docket entry <u>34</u> . (ztd) (Entered: 05/07/2019)
05/10/2019	<u>35</u>	MOTION Deem Certain Complaint Allegations Admitted by HALL & ASSOCIATES (Hall, John) (Entered: 05/10/2019)
05/15/2019	<u>36</u>	MOTION to Align Schedules of 18–1749 and 19–330 to Resolve Common Rule 8 Issues by HALL & ASSOCIATES (Hall, John) (Entered: 05/15/2019)
05/20/2019	<u>37</u>	MOTION for Extension of Time to File Response/Reply as to <u>35</u> MOTION Deem Certain Complaint Allegations Admitted by U.S. ENVIRONMENTAL PROTECTION AGENCY (Attachments: # <u>1</u> Exhibit A)(Sroka, Scott) (Entered: 05/20/2019)
05/20/2019	<u>38</u>	ENTERED IN ERROR. . . .MOTION for Extension of Time to <i>File Motion for Summary Judgment</i> by U.S. ENVIRONMENTAL PROTECTION AGENCY (Attachments: # <u>1</u> Exhibit A)(Sroka, Scott) Modified on 5/20/2019 (ztd). (Entered: 05/20/2019)
05/20/2019		NOTICE OF ERROR re <u>38</u> Motion for Extension of Time to; emailed to scott.sroka@usdoj.gov, cc'd 10 associated attorneys — The PDF file you docketed contained errors: 1. Duplicate of docket entry <u>37</u> . (ztd,) (Entered: 05/20/2019)
05/21/2019	<u>39</u>	RESPONSE re <u>37</u> MOTION for Extension of Time to File Response/Reply as to <u>35</u> MOTION Deem Certain Complaint Allegations Admitted filed by HALL & ASSOCIATES. (Hall, John) (Entered: 05/21/2019)

05/21/2019		MINUTE ORDER: Upon consideration of Plaintiff's motion to align schedules <u>36</u> and Defendant's motion for extension of time <u>37</u> , it is hereby ORDERED that Plaintiff's motion <u>36</u> is GRANTED in part and DENIED in part and Defendants' motion <u>37</u> is GRANTED. In light of Plaintiff's pending Rule 8 motion <u>35</u> , it is hereby ORDERED that the status conference set for June 11, 2019 and the existing summary judgment briefing schedule are VACATED. It is further ORDERED that Defendants shall respond to Plaintiff's Rule 8 motion <u>35</u> on or before June 21, 2019. The Court will set a new summary judgment briefing schedule after the Rule 8 motion is resolved. Signed by Judge Randolph D. Moss on 5/21/2019. (lcrdm3,) (Entered: 05/21/2019)
05/21/2019		Set/Reset Deadlines: Defendants shall respond to Plaintiff's Rule 8 motion <u>35</u> on or before 6/21/2019. (kt) (Entered: 05/21/2019)